



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

August 13, 2020

BY CM/ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Anilesh Ahuja, et al.
S1 18 Cr. 328 (KPF)

Dear Judge Failla:

The Government respectfully writes to request a one-month extension of the deadline to complete the additional searches that it is undertaking in the above-captioned case pursuant to the Government's letters dated June 24, 2020 and July 16, 2020 (Dkt. 371 & 390); the conference held on July 24, 2020 (Dkt. 397); the Government's letter dated July 31, 2020 (Dkt. 393); and the Court's Order dated August 4, 2020 (Dkt. 396 & 399). The current deadline for the completion of the additional searches is August 24, 2020, which the Court set when the Government requested a one-month period from the date of the July 24 conference to complete the searches.

At the time of the conference, the Government believed that a period of one month would be sufficient to complete its review, and the Court made clear that it expected the one-month deadline to be firm. However, several developments following the conference have prompted the Government to seek an extension of time. First, after the conference, the scope of the additional searches that the Government is conducting expanded significantly at the request of defense counsel. (See July 31, 2020 Letter (agreeing to eight ways of expanding the additional searches at the request of Ahuja's counsel, including the use of over 16 more search terms); August 4, 2020 Order (granting Ahuja's request that Government expand its searches to include additional time periods). Second, after having a vendor load emails and other materials onto a document-review platform, the Government has learned that approximately 10,000 materials either hit on agreed-upon search terms or otherwise fall within categories that the Government has undertaken to review.¹ As reflected in the Government's letter dated July 31, 2020, a

¹ It appears that certain search terms, including search terms that the Government adopted at the request of defense counsel after the July 24 conference, may be generating a disproportionate number of "mishits" (for example, the search term "Tarlowe" is generating results for emails with

Deputy Chief of the Appeals Unit is in charge of the review. With respect to each of the documents that is subject to review, that Deputy Chief will be deciding whether the document should be produced. The volume of the documents subject to review will directly affect the duration of this process.

In light of these developments, the Government respectfully submits that a one-month extension of the deadline until September 24, 2020 is appropriate to ensure that its searches are sufficiently thorough. In the event that this request is granted, the Government will alert defense counsel and the Court if it completes its searches prior to the deadline, and will endeavor to do so.

The Government has conferred about this request with defense counsel, and counsel have indicated that they would consent provided that the Government produces materials on a rolling basis. The Government believes that breaking the review process into iterative productions would be detrimental to the process in several ways. Among other things, it would require the Deputy Chief conducting the review to make decisions on what should be produced at intervals without having the benefit of the full context of the materials that he is reviewing, and it would slow down the review by diverting resources to periodically gathering and producing materials. Accordingly, the Government requests that it not be required to make rolling productions.

Respectfully submitted,

AUDREY STRAUSS

Acting United States Attorney

By: _____ /s/

Andrea M. Griswold

Joshua A. Naftalis

Max Nicholas

Assistant United States Attorneys

(212) 637-1205/2310/1565

cc: Counsel of Record (by CM/ECF)

the Paul Weiss law firm between November 26, 2019 and May 27, 2020 regarding the issue of restitution). Once the Government has identified the search terms that may be artificially inflating the number of results, it will discuss with defense counsel whether the parties can agree to any adjustments to the searches that would make the process more efficient.

Application GRANTED. The Government need not make rolling productions. However, no further extensions will be granted.

Dated: August 13, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE